

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

PIYAPHONG JONGTRAKUL,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:12-cv-03585-WMA-MHH
)	
ERIC H. HOLDER,)	
ATTORNEY GENERAL, <i>et al.</i> ,)	
)	
Respondents.)	

REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 2241, Piyaphong Jongtrakul filed a petition in which he asked the Court to release him from custody while he awaits deportation to Thailand. When he filed his petition on October 12, 2012, Mr. Jongtrakul was housed in the Etowah County Detention Center which is located in this district.

On February 27, 2013, the United States Attorney General filed a motion to dismiss Mr. Jongtrakul's § 2241 petition. The Attorney General argues that the petition is moot. To support his position, he submitted a declaration which states that Mr. Jongtrakul no longer is in the custody of the Department of Homeland Security. (Doc. 5-1). According to the declaration, Mr. Jongtrakul was released on an order of supervision on January 17, 2013. (Doc. 5-1, p. 2).

By order dated April 4, 2013, the Court notified Mr. Jongtrakul that if he wished to maintain his petition, he should provide materials in opposition to the motion to dismiss. (Doc. 6). The Clerk of Court mailed the April 4, 2013 order to Mr. Jongtrakul at the address provided in the record. The order was returned, marked “undeliverable.” The Court has no alternative address for Mr. Jongtrakul. To date, Mr. Jongtrakul has not responded to the pending motion to dismiss.

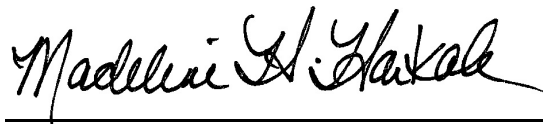
Accordingly, based upon the undisputed evidence in the record and Mr. Jongtrakul’s failure to respond to the pending motion to dismiss, the Court finds that Mr. Jongtrakul has received the relief that he sought in his petition. Because there no longer is a case or controversy between the parties, Mr. Jongtrakul’s § 2241 petition is moot. Therefore, the undersigned respectfully recommends that the District Court dismiss the petition for writ of *habeas corpus*.

Procedure for Objections

Any party may file specific written objections to this report and recommendation within fourteen (14) days from the date it is filed in the office of the Clerk. Failure to file written objections to the proposed findings and recommendations contained in this report and recommendation within fourteen (14) days from the date it is filed shall bar an aggrieved party from attacking the factual findings on appeal.

The Clerk is DIRECTED to send a copy of this Report and Recommendation to Mr. Jongtrakul at his most recent known address, and to serve a copy upon the U.S. Attorney for the Northern District of Alabama.

DONE this 7th day of May, 2013.

A handwritten signature in black ink, reading "Madeline H. Haikala". The signature is written in a cursive, flowing style. The first name "Madeline" is written in a larger, more prominent script, followed by "H." and "Haikala". The signature is positioned above a horizontal line.

MADELINE HUGHES HAIKALA
U.S. MAGISTRATE JUDGE